

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>FITn40, LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>GLANBIA NUTRITIONALS (IRELAND) LIMITED, GLANBIA PERFORMANCE NUTRITION LIMITED, GLANBIA PERFORMANCE NUTRITION (NA), INC., GLANBIA PERFORMANCE NUTRITION (MANUFACTURING), INC., and JOHN DOES 1-20,</p> <p>Defendants.</p>	<p>MEMORANDUM DECISION & DISMISSAL ORDER</p> <p>Case No. 2:20-cv-00871-JNP-DAO</p> <p>District Judge Jill N. Parrish</p> <p>Magistrate Judge Daphne A. Oberg</p>
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On January 7, 2022, the court dismissed plaintiff FITn40, LLC's complaint without prejudice. *See* ECF No. 29. The court granted Plaintiff twenty-one days from the date of the order to amend its complaint to cure the deficiencies raised in the court's order. *Id.* Plaintiff did not submit an amended complaint by the deadline. On March 14, 2022, the court issued a docket text order advising Plaintiff that it intended to close the case and directing Plaintiff to file a document explaining why the court should not close the case by March 28, 2022 if it had any objections. ECF No. 31. Again, Plaintiff did not respond. In sum, the court has received no communication from Plaintiff in over three months, in contravention of multiple deadlines set by the court.

The court granted Plaintiff ample time to amend its complaint to cure the deficiencies. Indeed, the court permitted Plaintiff several months beyond the initial deadline. Plaintiff expressed no ability to or interest in curing the deficiencies in its complaint. At this juncture, the court finds

that it would be futile to give Plaintiff further opportunity to amend. *See Knight v. Mooring Cap. Fund, LLC*, 749 F.3d 1180, 1190 (10th Cir. 2014).

Therefore, IT IS ORDERED that this action is DISMISSED with prejudice.

DATED April 11, 2022.

BY THE COURT

A handwritten signature in purple ink, reading "Jill N. Parrish", is written over a horizontal line.

Jill N. Parrish
United States District Court Judge